

Remarks Arguments

The Examiner has provisionally rejected Claims 1-20 on the ground of nonstatutory obviousness-type double patenting, as unpatentable over Claims 1-30 of co-pending application 10/549,259. The Examiner is respectfully requested to reconsider this rejection.

All of the claims of co-pending application 10/549,259 recite detection of an available frequency band on a transmission medium. Such a recitation is not contained in the independent claims of the instant application. See independent Claims 1 and 11. It is therefore clear that the Claims of the instant application are patentably distinct from the Claims of co-pending application 10/549,259. The Examiner is therefore respectfully requested to withdraw the double patenting rejection.

The Examiner has rejected Claims 1, 10, 11 and 20 under 35 USC 103(a) as unpatentable over US 2004/0017671 to Rajendran et al, in view of US 2006/0117340 to Pavlovskaja et al. The Examiner is respectfully requested to reconsider this rejection.

Rajendran et al relates to an arrangement for reducing noise in a receiver system implemented within a Global Positioning System Receiver (GPS). See paragraph 0033. Nowhere does Rajendran et al show or suggest:

“control means for enabling generation of said analog signals responsive to a request signal”,

as specifically recited in Claim 1, nor does Rajendran et al show or suggest:

“receiving a request signal from said device indicating a channel”,

as specifically recited in Claim 11.

Pavlovskaja et al relates to an interactive cable television system which allows a viewer to request one of several programs. The Examiner has suggested that Rajendran et al may be combined with Pavlovskaja et al to obtain the instant invention. The Applicants can not agree. A GPS system, such as shown by Rajendran et al, has no use for a user request, since a GPS system utilizes data from all of the satellites within its range. The applicants

therefore submit that providing a GPS system, such as shown in Rajendran et al, with a user request, such as shown in Pavlovskaia et al, would make inoperative the GPS system of Rajendran et al.

The Examiner has cited WO 02/25847 to Zydonik to show the use of RG-59 cable. However, even if RG 59 cable were to be used in Rajendran et al, the patentability of the invention defined by Claims 1 and 11 would not be affected.

The Examiner has cited US 2002/0062481, to Slaney et al. Slaney et al relates to a method and system for selecting advertisements for particular programs. The Examiner has pointed to paragraph 28, which indicates that a viewer may select his choice of an advertisement for a particular program. Even if the advertisement selection of Slaney et al. were to be used with a GPS system such as Rajendran et al, the patentability of the instant invention as defined by Claims 1 and 11 would not be affected, since advertisements are not used in a GPS system.

The Examiner has cited US 2001/0044835 to Schober et al. Schober et al relates to automatic detection of communication bandwidth. The use of such automatic detection of communication bandwidth with a GPS system such as in Rajendran et al would make the GPS system inoperative.

The Examiner has cited US 2004/0085143 to Stoddard et al. Stoddard et al relates to a digitally controlled noise signal generator. The use of a noise signal generator with a GPS system such as in Rajendran et al, would be contrary to the teachings of Rajendran et al, since Rajendran et al attempts to reduce noise.

The Examiner has cited US 2004/0163124 to Basawapatna et al. This reference relates to a security arrangement in which off-air signals are modulated and then remodulated. See paragraph 0027. It is therefore clear that nowhere does Basawapatna et al show or suggest:

“processing means for receiving satellite signals and processing said received signals to generate analog signals without demodulating the received signals”,

as specifically recited in Claim 1. Similarly, nowhere does Basawapatna et al show or suggest:

“processing said received signals to generate analog signals corresponding to said channel responsive to said request signal, without demodulating said received signals”,

as specifically set forth in Claim 11. It is therefore clear that Basawapatna et al does not affect the patentability of either Claim 1 or Claim 11.

Claims 2-10 are dependent from Claim 1 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 1. Similarly, Claims 12 to 20 are dependent from Claim 11 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 11.

The Applicants therefore submit that the instant application is now in condition for allowance. A notice to that effect is respectfully solicited.

Respectfully submitted,
Michael Anthony Pugel et al

by /Daniel E. Sragow/
Daniel E. Sragow
Attorney for Applicants
Registration No. 22,856.
(609) 734-6832

Dated: __22 December_ 2008

Thomson Licensing, LLC
2 Independence Way, Suite 200
P.O. Box 5312
Princeton, NJ 08543-5312